

IN THE COURT OF APPEALS OF GEORGIA

CASE NO. A24A1482

CHELSE CAGLE,

Appellant,

v.

MIKE CARRUTH, *et. al.*,

Appellees

On Appeal from the Superior Court of Walker County
Case No. 23SUCV0643

**MOTION FOR LEAVE TO FILE
BRIEF OF THE BOARD OF EDUCATION OF WALKER COUNTY
AS AMICUS CURIAE
IN SUPPORT OF APPELLANT**

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MOTION FOR LEAVE TO FILE BRIEF AS AMICUS CURIAE

COMES NOW, the Board of Education of Walker County, and respectfully moves this Honorable Court, pursuant to Georgia Court of Appeals Rule 26(b), for leave to file a friend-of-the-court brief. The proposed brief is attached hereto as Exhibit 1.

INTEREST OF AMICUS CURIAE

The Board of Education of Walker County controls and manages the Walker County School District, a political subdivision of the State of Georgia, which is comprised of all of Walker County, Georgia, except the area located within the corporate limits of the City of Chickamauga.

This case originated with Appellant's filing of an action to disqualify two Board members because of their violation of the Board's policy against nepotism. Georgia law requires the Board to maintain a nepotism policy and permits the Board to determine for itself which school employment positions are covered. Accordingly, the Board's interest in this case arises from its legal duties enunciated by statute.

Because the entire appeal rises or falls upon employment classifications made *exclusively* by the Board of Education of Walker County, amicus offers its perspective and analysis to assist the Court and, therefore, respectfully prays for leave to file the appended brief as a friend of the Court.

Respectfully submitted this ____ day of August, 2024.

LOCKHART LAW OFFICE, LLC

/s/ David N. Lockhart

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the within and foregoing
MOTION FOR LEAVE TO FILE BRIEF OF THE BOARD OF EDUCATION OF
WALKER COUNTY AS AMICUS CURIAE IN SUPPORT OF APPELLANT upon
counsel for all parties by placing a true copy of same in the United States Mail,
postage prepaid, and addressed as follows:

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This ____ day of August, 2024.

LOCKHART LAW OFFICE, LLC

/s/ David N. Lockhart
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EXHIBIT 1

BRIEF OF THE BOARD OF EDUCATION OF WALKER COUNTY
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I. INTRODUCTION

“System administrative staff is not defined in SBOE rule but may be by local board policy and is commonly referred to as employees of the local school district assigned to duties other than instructing students.” *Georgia Department of Education, Guidance for State Board of Education Rule 160-5-1-.36, p. 10* (2010).

Perplexingly, this case turned into a trial as to whether certain school employees were “directors” versus “coordinators,” rather than whether they were “system administrative staff.” That error led to a directed verdict because Appellants failed to prove they were directors—a showing not required for the relief sought.

Appellant, Chelsea Cagle, sought and obtained from the superior court a writ of quo warranto, challenging the eligibility of Appellees, Mike Carruth and Karen Harden, to serve on the Board of Education of Walker County (the “Board” or “Board of Education”). Appellees, who were both elected to serve as members of the Board of Education, both have sons who are employed by the Walker County school system.

O.C.G.A. § 20-2-51(c)(4)(a) prohibits those who have an immediate family member serving as, *inter alia*, “system administrative staff” in the school system from serving on the board of education.

Appellant relies exclusively (though sufficiently) on O.C.G.A. § 20-2-51, et seq. (the “Statute”) to show that Georgia’s nepotism policy disqualifies Appellees

from serving on the Board, but the Board has its own and additional reasoning why Carruth and Harden are legally impaired from serving as Board members.

It is the Board's own statutorily delegated authority that has both been overlooked and which, when properly heeded, demands that the trial court's order dismissing Appellant's action be reversed.

In furtherance of the Statute, Georgia's State Board of Education ("SBOE") adopted its own nepotism policy, which included the same "system administrative staff" limitation. The SBOE policy also required local school boards to adopt their own nepotism policies with the same "system administrative staff" limitation, and Amicus did adopt such policy.

Neither the Statute nor the SBOE policy defines "system administrative staff," but Georgia's Department of Education published guidance for the SBOE policy specifically provides "System administrative staff is not defined in SBOE rule but may be by local board policy and is commonly referred to as employees of the local school district assigned to duties other than instructing students."

The Board of Education of Walker County did, in fact, define "system administrative staff" by its own policy, and it includes the employment positions held by Appellees' children. In its oral pronouncement granting Appellees' motion for a directed verdict, the trial court held, "I don't think the plaintiff has met that burden to say they're a director." Appellant had no burden to show that the

employees were directors, the directed verdict was improvidently granted, and the decision below should be reversed.

II. ADOPTED FROM BRIEF OF APPELLANT

Amicus adopts the following portions of the Brief of Appellant:

- A. Enumerations of Error (Br. of Appellant, p. 10).
- B. Jurisdictional Statement (Br. of Appellant, p. 10).
- C. Statement of the Case and Proceedings Below (Br. of Appellant, p. 4).
- D. Preservation for Review (Br. of Appellant, p. 6).
- E. Statement of Material Facts (Br. of Appellant, p. 6).

III. ARGUMENT AND CITATION OF AUTHORITY

Standard of Review

“The standard for granting motions for directed verdict and for j.n.o.v. is the same. They may be granted only when no conflict exists in the evidence and the evidence presented, with all reasonable inferences therefrom, demands a particular verdict. On appeal, the standard of review is ‘any evidence.’” *Republic Services of Georgia L.P. v. Hoak*, 273 Ga. App. 330 (2005) (internal citations omitted).

Argument

The singular issue for resolution in the trial court was whether Appellees’ children were employed by the Walker County school system as “system

administrative staff.” If so, the Appellees were disqualified from serving as members of the Board of Education of Walker County.

Five authorities are applicable and controlling¹: **1)** O.C.G.A. § 20-2-51(c)(4)(A), **2)** O.C.G.A. § 20-2-72(a); **3)** State Board of Education Rule 160-5-1-.36, **4)** the State Department of Education Guidance for the Local Board Governance Rule, and **5)** The Walker County Board of Education’s Local Board Policy.

1) O.C.G.A. § 20-2-51(c)(4)(A) (the “Statute”) provides:

No person who has an immediate family member sitting on a local board of education or serving as the local school superintendent or as a principal, assistant principal, or system administrative staff in the local school system shall be eligible to serve as a member of such local board of education. As used in this paragraph, the term “immediate family member” means a spouse, child, sibling, or parent or the spouse of a child, sibling, or parent whose employment as the local school superintendent or as a principal, assistant principal, or system administrative staff in the local school system began on or after January 1, 2010. *Id.*

The Statute does not define “system administrative staff.”

¹ Amicus is mindful of the general rule against expanding the original appeal. *See Shaver v. Aetna Finance Co.*, 148 Ga. App. 740 (1979); *but see Pfeiffer v. Georgia Dept. of Transp.*, discussing when arguments may be made for the first time on appeal. “Special circumstances could include ‘a jurisdictional challenge, a claim of sovereign immunity, a serious issue of public policy, a change in the law, or [an] error that works manifest injustice.’” 275 Ga. 827, 829 n. 10 (2002) (quoting *Moore’s Federal Practice*, sec 205.05[2] at 205-58 (Matthew Bender 3d ed.)). As discussed *infra*, the trial court’s premature granting of a directed verdict foreclosed the possibility of these authorities and arguments from being made below.

2) O.C.G.A. § 20-2-72(a) required the State Board of Education (“SBOE”) to adopt a model code of ethics for members of local school boards. O.C.G.A. § 20-2-72(b) required every local school board to “adopt a model code of ethics that includes, *at a minimum*, such model code of ethics.” *Id.* (Emphasis supplied).

3) In compliance therewith, the SBOE adopted Ga. Comp. R. & Regs. r. 160-5-1-.36 (the “SBOE Rule”), which provides:

(a) Each local board of education shall adopt policies regarding nepotism. Local board of education policies regarding nepotism shall, at a minimum, include the following provisions:

1. No person who has an immediate family member sitting on a local board of education or serving as the local school superintendent or as a principal, assistant principal, or system administrative staff in the LEA shall be eligible to serve as a member of such local board of education provided that the immediate family member’s employment in his or her position in the LEA began on or after January 1, 2010. . . .

As with the Statute, the SBOE Rule does not define “system administrative staff.

The SBOE Rule provided further that “[e]ach local board of education shall submit a copy of its training program and any revisions thereto to the GaDOE in accordance with GaDOE’s *Guidance for the Local School Board Governance Rule*.” *Id.*, Sec. (2)(a)(4).

4) The Georgia Department of Education “Guidance for State Board of Education Rule 160-5-1-.36” (“SBOE Guidance”) (Exhibit 1) provides, in relevant part:

Nepotism

Each LBOE shall adopt policies regarding nepotism including the minimum following provisions:

1. The local board should adopt its nepotism policy consistent with the manner in which it adopts all local board policies.

2. The nepotism policy should clearly state that on or after July 1, 2009, individuals are not eligible for election or appointment as a LBOE member if:

- An immediate family member sits on the same LEA's local board.
- An immediate family member serves as the local school superintendent, principal, assistant principal, or system administrative staff of the same LEA if the immediate family member's employment in that position began on or after January 1, 2010. An immediate family member is defined in the SBOE rule 160-5-1-.36 Local School Board Governance and O.C.G.A. § 20-2-63 as a spouse, child, sibling, or parent or the spouse of a child, sibling, or parent. **System administrative staff is not defined in SBOE rule but may be by local board policy and is commonly referred to as employees of the local school district assigned to duties other than instructing students.** *Id.* (Emphasis supplied).

5) The Board of Education of Walker County adopted a nepotism policy (the "Local Board Policy") on August 9, 2011 (Exhibit 2). The Local Board Policy on nepotism provides as follows:

In compliance with Georgia Board of Education Rule 160-5-1-.36 Local School Board Governance, the Board of Education ("the Board") adopts the following nepotism provisions:

No person who has an immediate family member sitting on the Board or serving as the Superintendent or as a principal, assistant principal, or system administrative staff shall be eligible to serve as a member of the Board, provided that the immediate family member's employment in

his or her position began on or after January 1, 2010. This paragraph shall apply only to Board members elected or appointed on or after July 1, 2009.

There is no dispute that both Appellees, Carruth and Harden, each have a son employed by the Walker County school system. (Br. of Appellee, p. 5-6). Appellees admit that Carruth's son has been employed by the school system since 2021, and Harden's son has been employed by the school system since 2017. *Id.* The only issue for resolution at trial, then, was whether they were employed as "system administrative staff." If so, the Statute, SBOE Rule, and Local Board Policy all serve to disqualify Appellees from serving as members of the Board.

At trial, Phyllis Hunter, the chairperson of the Board, as witness for the Appellant, testified that Justin Carruth and Scott Harden (Appellees sons) were employed by the school system as "directors" of CTA and director of technology, respectively. (V3-13). On cross-examination, she permitted that they are sometimes referred to as "coordinators." (V3-14). However named, though, she testified that both positions are "system administrative positions." (V3-13).

Appellees concede that Justin and Scott (the "Employees") were employed as "Coordinator of Secondary Curriculum/CTAE" and "Coordinator of Instructional Technology." (Br. of Appellees, pp. 5-6).

Appellees offered no evidence, whether in pre-trial motions and pleadings or at trial, that the Employees duties were those of "instructing students." *See* SBOE

Guidance. Instead, the Board chairperson testified unequivocally that the Employees held “administrative positions.”

Without countervailing evidence from Appellees, that should have been the end of the matter, Appellants having, at that point, offered, without contradiction, that Appellee Board members had sons employed by the school system as system administrative staff.

Appellant’s statement of the law concerning the necessity of specificity in Appellees’ motion for directed verdict is correct. (Br. Of Appellant, pp. 12-13). “A motion for a directed verdict shall state the specific grounds therefor. O.C.G.A. § 9-9-11-50. Appellant aptly cites *Able-Craft, Inc. v. Bradshaw* for why this should be. 167, Ga. App. 725 (1983). “[D]irected verdict is not a vehicle to obtain a judgment on the technical grounds that a plaintiff has merely neglected to show some evidence material to his case. Particularly, since the trial court may in its discretion permit the plaintiff to reopen his case and offer some neglected evidence.” *Id.* At 727.

It is primarily on this point that Amicus desires to elucidate these proceedings. Had the trial court required Appellees to be specific in their motion, pretermittting whether Appellant had already satisfied her burden of proof, Appellant had additional, substantial evidence that could have been offered—evidence which not only showed that the Board had classified the Employees as system administrators, but also to satisfy the manufactured test that they were “directors.”

In *Able-Craft, Inc. v. Bradshaw*, the Appellant/tenant appealed the denial of its motion for directed verdict. *Id.* At trial, at the close of Appellee/landlord's case, the tenant moved for directed verdict because the landlord had failed to show it had demanded possession of the leased premises (a required showing for a dispossession). *Id.* The trial court denied the tenant's motion, and proof that a demand for possession had been made was ultimately shown. *Id.* But, assuming, *arguendo*, that the tenant had made its motion with the same complete lack of specificity as Appellees here, and assuming the trial court had granted that motion, and only then revealed that the reason was the landlord's failure to produce evidence of a demand for possession, then the landlord, on whose position this Court looked favorably, would have had nothing in the record to show that the demand had been made. That is much the position Appellant is now in, only even more unjustly.

At least in the example above, the trial court identified an actual deficiency in the plaintiff's case, whereas here, the trial court ruled against Appellant for her failure to prove something altogether unnecessary—that the Employees were directors. (V3-25).

While Appellant should have never been required to show that the Employees were directors, had Appellees been specific in their motion for directed verdict, as is required by our Civil Practice Act, and alleged that Appellant's supposed evidentiary deficiency was failing to prove that the Employees were directors, and had the Court

given any indication of its wayward requirement, Appellant could have shown that the Employees were, in fact, directors.

Mindful that the Court will look to the record, alone, to correct error below, Amicus offers the following by way of proffer, only.² The Board adopted a policy on “administrative and supervisory personnel,” which governs both “System-wide Directors” *and* “System-wide Coordinators.” (Exhibit 3). Because the Board has the authority to define for itself who is “system administrative staff” (*See* SBOE Guidance), the Board’s designation of coordinator positions is dispositive.

The most direct evidence that the Employees were “system administrative staff” is the Board’s own document entitled, “System Administrative Staff FY2025” (Exhibit 4). There, both employees are listed *by name*. Nothing in the Statute suggests that system administrative staff is limited to “directors,” and the Employees are listed on Ex. 4 as “coordinators.” But even if the Statute’s nepotism restriction applied only to “directors,” O.C.G.A. § 20-2-72(b) required every local school board to “adopt a model code of ethics that includes, *at a minimum*, such model code of ethics.” *Id.* (Emphasis supplied). The SBOE Guidance allows local school boards

² The documents appended to this brief are not intended to be accepted by the Court even as persuasive authority. Rather, they are offered only to show that Appellant would not have been left empty-handed, had Appellees been specific in their motion for directed verdict. Instead, Appellant could have produced evidence (though unnecessary under the law) to show that the Employees were “directors” and additional evidence that they were system administrative staff.

to determine who is “system administrative staff.” Here, the Board included, by name, Justin Carruth and Scott Harden. (Ex. 4).

The Georgia legislature found nepotism in local school systems to be a social ill sufficient to warrant legislation. O.C.G.A. § 20-2-72. The Statute prohibits from serving on local school boards not only those with family members serving as school superintendents and principals (or, as Appellees argue, supervisory positions), but also those with family employed by the school system as system administrative staff. Moreover, the Statute required local school boards to adopt policies which, *at a minimum*, prohibit such relationships (O.C.G.A. § 20-2-72(b)), and the State Board of Education expressly allows local boards (not courts) to define for themselves who is covered as system administrative staff. SBOE Guidance. Consistent with the Statute, SBOE Rule, and SBOE Guidance, Walker County includes as system administrative staff those assigned to duties other than instructing students, i.e., teachers, namely, the positions held by the children of Appellees.

Appellees’ favorable evidence is either wholly conclusory assertions or multi-layered, inadmissible hearsay. (V2-46, ¶ 13). Whatever contrary evidence the Appellees may point to in the record, such evidence will not be found in the transcript of the trial. (V3).

Left undisturbed, the trial court’s judgment stands as a judicial impingement of legislative authority.

Conclusion

By statute, State Board of Education Rule, and the official policy of the Board of Education of Walker County, Appellees are prohibited from serving on the Board if their children are employed as “system administrative staff.” The Board has been empowered to determine which employment positions meet that definition, and it has specifically identified the positions held by Carruth and Harden as system administrative staff, even including Carruth and Harden by name as holding those positions.

At trial, Appellant presented sufficient, uncontroverted evidence that the Appellees were not legally qualified to hold their office. The trial court entertained a flawed motion for directed verdict which specified no failure in Appellant’s proof and, thereafter, granted the motion based upon a flawed understanding that Appellees were qualified unless their sons were employed as “directors.” Appellees’ motion for directed verdict should have been denied.

For all of the foregoing reasons, the decision of the trial court should be reversed.

This submission does not exceed the word count limit imposed by Rule 24.

Respectfully submitted this ____ day of August, 2024.

LOCKHART LAW OFFICE, LLC

/s/ David N. Lockhart

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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the within and foregoing BRIEF OF THE BOARD OF EDUCATION OF WALKER COUNTY AS AMICUS CURIAE IN SUPPORT OF APPELLANT upon counsel for all parties by placing a true copy of same in the United States Mail, postage prepaid, and addressed as follows:

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156 Robert Jones Road
Dawsonville, Georgia 30534

Christopher Harden, Esq.
Harden Law Firm, LLC
329 Creekstone Ridge
Woodstock, Georgia 30188

This ____ day of August, 2024.

LOCKHART LAW OFFICE, LLC

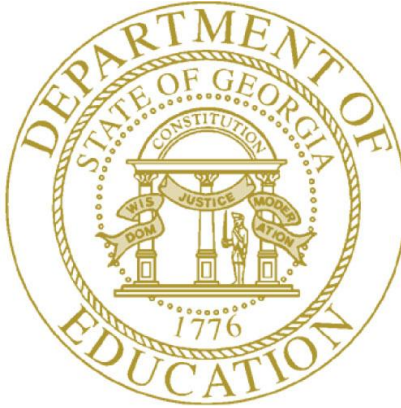
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EXHIBIT 1

Georgia Department of Education Guidance for State Board of Education Rule
160-5-1-.36 LOCAL SCHOOL BOARD GOVERNANCE

**Georgia Department of Education
Guidance for State Board of Education Rule
160-5-1-.36 LOCAL SCHOOL BOARD GOVERNANCE**



**Guidance for the
LOCAL
SCHOOL BOARD GOVERNANCE RULE**

In Reference to State Board of Education
Rule 160-5-1-.36
LOCAL SCHOOL BOARD GOVERNANCE

This is a companion document to the State Board of Education Rule 160-5-1-.36 LOCAL SCHOOL BOARD GOVERNANCE. The purpose of this document is to bring clarity to the practical application of the State Board Rule and address topics covered in the rule with greater detail. It is not intended to state new law or supplant any federal or state laws, regulations, or requirements. Nothing in this manual should be seen as having the force of law. This manual should not be cited as law or as imposing any additional requirements or obligations outside the requirements of existing law.

Georgia Department of Education
Guidance for State Board of Education Rule
160-5-1-.36 LOCAL SCHOOL BOARD GOVERNANCE

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Georgia Department of Education
Guidance for State Board of Education Rule
160-5-1-.36 LOCAL SCHOOL BOARD GOVERNANCE

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**Georgia Department of Education
Guidance for State Board of Education Rule
160-5-1-.36 LOCAL SCHOOL BOARD GOVERNANCE**

Revision History

Initial Release	December, 2010
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Georgia Department of Education
Guidance for State Board of Education Rule
160-5-1-.36 LOCAL SCHOOL BOARD GOVERNANCE

Introduction

Senate Bill 84 (SB 84) was passed by the Georgia General Assembly in 2010. This bill provides for various changes to Georgia law relating to local boards of education. Major revisions include the following:

- To revise provisions relating to the eligibility for election as a local board of education member;
- To limit the size of local boards of education;
- To revise provisions relating to per diem and expenses for local board members;
- To provide for the fundamental role of local boards of education and local school superintendent;
- To prohibit certain conflicts of interest of board members;
- To provided for a code of ethics for local board of education members;
- To provide for removal of board members under certain circumstances; and
- To revise provisions relating to training of local board of education members.

All provisions related to eligibility, candidacy, removal of elected officials, etc., was submitted to the U. S. Department of Justice for preclearance under the federal Voting Rights Act of 1965, as amended. The U.S. Department of Justice "precleared" Senate Bill 84 in a letter dated September 2, 2010. A copy of the preclearance notice is in Appendix A. In the last paragraph of the preclearance letter, the Justice Department notes that any rules, codes of ethics, etc., adopted pursuant to this legislation will also be subject to review under Section 5 of the Voting Rights Act.

Georgia Department of Education
Guidance for State Board of Education Rule
160-5-1-.36 LOCAL SCHOOL BOARD GOVERNANCE

Implementation of Local School Board Governance Standards and Model Ethics Policy

Proposed Timeline and Checklist

Notice: This timeline is intended to serve as a planning tool for local school boards and is not intended to circumvent State law and State Board of Education rule.

- ☐ November 2010 – January 1, 2011, Local Board of Education begins review of State Board of Education local board governance standards including the model code of ethics and the newly adopted State Board of Education Rule 160-5-1-.36 Local School Board Governance.
- ☐ December 2010 – Local Board of Education members and newly elected members attend Georgia School Boards Association’s Annual Winter Conference.
- ☐ No later than February 8, 2011, Local Board of Education members agree to and adopt, at a minimum, the State Board of Education’s model code of ethics including the conflict of interest provisions. The adoption must be at a regularly scheduled local board meeting.
- ☐ No later than February 8, 2011, Local Board of Education submits its adopted code of ethics including the conflict of interest provision to:
Georgia State Board of Education
Local Board Governance
205 Jesse Hill Jr., Dr.
Suite 2053 Twin Towers East
Atlanta, Georgia 30334
- ☐ December 2010 – November 30, 2011, newly elected Local Board of Education members begin meeting the training requirements currently in O.C.G. A. 20-2-230.
- ☐ Beginning January 1, 2011, and as appropriate thereafter, if offering candidacy for election or re-election to a local board of education, file an affidavit with the local election officer prior to the time of qualifying, affirming compliance with the State Board of Education’s policy on training for members of local boards of education, the code of ethics of the local board of education, and the conflict of interest provisions applicable to members of local boards of education.
- ☐ Beginning January 1, 2011, whenever a member of a local board of education moves his/her domicile from the district which that person represents, he/she must provide written notification of such move to the secretary of the local board of education and the election superintendent within ten days of such move.
- ☐ Beginning January 1, 2011, local school superintendents shall submit to the State Board of Education the names and contact information of all local board members. The names and contact information should be sent to the Georgia Department of Education at LocalBoardGovernance@doe.k12.ga.us in an Excel document and should include the full name, address, and when applicable, email address.

Georgia Department of Education
Guidance for State Board of Education Rule
160-5-1-.36 LOCAL SCHOOL BOARD GOVERNANCE

- ☐ No later than October 1, 2011, (or until such date as determined by the State Board of Education) local board of education adopts a training program (plan), at a minimum, aligned to the State Board of Education local board governance standards.
- ☐ Beginning July 1, 2012, and annually thereafter, the local board of education submits disclosure of compliance with State Board of Education's policy on training for members of local boards of education, the code of ethics of the local board of education, and the conflict of interest provisions applicable to members of local boards of education.
- ☐ No later than July 1, 2011, local board of education adopts policies regarding nepotism to ensure compliance with State Board of Education Rule 160-5-1-.36 Local School Board Governance section (5).

Georgia Department of Education
Guidance for State Board of Education Rule
160-5-1-.36 LOCAL SCHOOL BOARD GOVERNANCE

Organization of State Board Rule

The State Board of Education rule 160-5-1-.36 is organized in the major sections listed below:

- (1) Definitions
 - This section provides an identification and explanation of terms that may be unfamiliar to the general public.
- (2) Requirements
 - This section provides a timeline and required actions of the State Board of Education, local boards of education, and candidacy for local boards of education.
- (3) Local Board of Education Size
 - This section establishes the membership size of local school boards and provides for exemptions under certain conditions.
- (4) Compensation for Members of Local Boards of Education
 - This section provides for local board members per diem when certain conditions are met.
- (5) Nepotism
 - This section defines nepotism and the exemptions of such provisions under certain conditions.
- (6) Sanctioning Members of Local Boards of Education
 - This section explains the conditions that prohibit local board members from using his or her official position to secure unwarranted privileges and advantages for himself or herself and/or family members.
- (7) Suspension of Local Boards of Education
 - This section explains the authority vested with the Governor to remove a local board member and such member's right to a hearing.

Georgia Department of Education
Guidance for State Board of Education Rule
160-5-1-.36 LOCAL SCHOOL BOARD GOVERNANCE

(1) Definitions

This section identifies unfamiliar terms used in the document.

(2) Requirements

This section defines the actions that must be taken by all entities impacted by the legislation.

The State Board of Education shall adopt a model code of ethics for members of local boards of education by October 1, 2010. Such model code of ethics shall also include appropriate consequences for violation of a provision or provisions of such code. The State Board of Education may periodically adopt revisions to such model code as it deems necessary.

A local board of education should review its current code of ethics to determine if its existing code includes, at a minimum, each provision in the SBOE model. The SBOE model code of ethics includes conflict of interest provisions that must be included in the local board's code of ethics. A sample format is included in the guidelines accompanying the SBOE rule. If provisions are not included, the local board will need to revise its current code to include the missing provision(s). A local board may also include additional provisions. A local board may complete the review process in a manner consistent with its current procedures. A local board of education may also complete the review process as an entire board or it may choose to use a committee structure for such review. If a local board of education has not officially adopted a code of ethics, it must, at a minimum, adopt the SBOE model including the conflict of interest provisions. Each local board of education shall adopt its code of ethics and any revisions at a regularly scheduled meeting. As a best practice, the adoption of the code of ethics and any subsequent revisions should be reflected in the official minutes of the local board.

Once a local board adopts its code of ethics, but no later than three months after the State Board of Education adopts a model code, a copy of the local board's code and any subsequent revisions, including the date adopted by the local board, must be submitted to the SBOE. All documentation should be mailed to the following address:

Georgia State Board of Education
Local Board Governance
205 Jesse Hill Jr. Drive
Suite 2053 Twin Towers East
Atlanta, GA 30334.

The State Board of Education shall adopt a training program for members of local boards of education by July 1, 2011. The State Board of Education may periodically adopt revisions to such training program as it deems necessary. By September 1, 2011, within three months of adoption by the State Board of Education, each local board of education and each governing board of other local units of administration (including Regional Educational Services Agencies – RESAs) shall adopt a training program for members of such boards that includes, at a minimum, such training program and requirements established by the SBOE.

The Governance Task Force and Advisory Committee developed local board governance standards. Standards were posted for a comment period and subsequently approved by the SBOE at its September 2010 meeting. The standards were also reviewed by a national panel of experts. As a result of the recommendations from the panel of experts and subsequent changes, the SBOE reposted the standards for public review and readopted the standards at its November 2010 meeting. The

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SBOE will develop a framework for training will approve trainers who will be authorized to deliver local board governance training.

O.C.G.A. section 20-2-230 requires all new members of governing boards of local units of administration to receive at least 12 hours of orientation to the educational program objectives of Georgia and instruction in school finance; school law, with special emphasis on the “Quality Basic Education Act; responsiveness to the community; the ethics duties, and responsibilities of local governing board members; annual performance evaluation of the school superintendent and other duties as defined in section 20-2-230. While Senate Bill 84 replaces the requirements in O.C.G.A. section 20-2-230, this section remains in effect until such time the SBOE has completed the development of a framework for training aligned with the adopted local board governance standards.

Local board members will be required to participate in training as established by the SBOE. As a best practice, a local board of education should develop its training program (plan) to meet the needs of the collective board as well as the needs of each member. Ideally, the local board and each member’s training plan should align to the strategic plan of the local board/district. It is important to note that training required pursuant to SB 84 must include training curricula aligned with SBOE governance standards for local boards. Local boards and individual members may also include additional training based on identified needs. A local board may develop its overall training program (plan) in a manner consistent with its current procedures.

Once a local board has established its training program (plan), it must adopt such and any revisions at a regularly scheduled meeting. As a best practice, the adoption of a training program (plan) and any subsequent revisions should be reflected in the official minutes of the local board.

A copy of the training program (plan) and any subsequent revisions, including the date adopted by the local board, must be submitted to the SBOE. The initial submission must be no later than October 1, 2011. The SBOE is required by SB 84 to adopt a training program for members of local boards of education by July 1, 2011. The SBOE may periodically adopt revisions to such training programs as it deems necessary.

All documentation should be mailed to the following address:

Georgia State Board of Education
Local Board Governance
205 Jesse Hill Jr. Drive
Suite 2053 Twin Towers East
Atlanta, GA 30334.

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In addition to any other requirements provided by law, and as required by O.C.G.A. § 20-2-51(e), no person shall be eligible for election as a member of a local board of education unless he or she:

1. Has read and understands the code of ethics and the conflict of interest provisions applicable to members of local boards of education and has agreed to abide by them;
2. Has agreed to annually disclose compliance with the State Board of Education's policy on training for members of local boards of education, the code of ethics of the local board of education, and the conflict of interest provisions applicable to members of local boards of education.

Each county's election office and the Georgia Secretary of State's office share certain responsibilities for ensuring that candidates and elections meet and are conducted in accordance with applicable law. Qualifying for a seat on a local board of education and conducting a campaign are complicated processes. An individual seeking election to a local school board must not only meet the requirements in this rule, its corresponding statutes in the education code, Title 20 of the Official Code of Georgia Annotated, but the individual must also meet the requirements imposed in accordance with election law, Title 21 of the Official Code of Georgia Annotated, and laws regarding public officers, Title 45 of the Official Code of Georgia.

This rule and guidance discusses only the local board of education candidate requirements found in education law. For more guidance or assistance in qualifying and campaigning for a seat on a local board of education, please review the requirements of Titles 21 and 45 of the Official Code of Georgia, the local county election office, and the office of the Georgia Secretary of State. [http://sos.georgia.gov/elections/elections/candidate_information/qualguide.pdf]

O.C.G.A. § 20-2-51 and paragraphs (2)(c) through (2)(e) detail several requirements regarding an individual's eligibility for election as a member of a local board of education. Those requirements are:

- The individual must reside in the school district and election district in which he or she seeks election.
- If the individual moves from his or her district, he or she must notify the local board of education and county election superintendent within ten days of the move.
- The individual must not be serving on the governing body of a private elementary or secondary educational institution.
- The individual must not be employed by the local board of education to which he or she is seeking election.
- The individual must not be employed by the Georgia Department of Education or the State Board of Education.
- The individual must not have family members employed in certain positions within the LEA. This is discussed in more detail in paragraph (5) of the rule.
- The individual must submit an affidavit to the county elections office stating that he or she read, understands, and agrees to abide by the local board of education's code of ethics and policies regarding conflicts of interest and will annually disclose compliance with the State Board of Education's policy regarding school board training.
- The individual must not be on the National Sex Offender Registry or the state sexual offender registry.

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To qualify to be a candidate in an election, an individual will need to certify he or she meets the above requirements, as well as any other requirements, to the county elections office. Forms to qualify for elections are available from the county elections office and the Georgia Secretary of State's office. Qualifying for office occurs in the April preceding the election for partisan candidates and the June preceding the election for nonpartisan candidates. For more information regarding qualification or eligibility for office, please consult the county elections office or the Georgia Secretary of State's office.

In addition to submitting an affidavit to the county elections office stating that the local school board candidate read, understands, and agrees to abide by the local board of education's code of ethics and policies regarding conflicts of interest, O.C.G.A. § 20-2-51(e) and paragraph (2)(e) of this rule require sitting board members to annually disclose compliance with the State Board of Education's policy regarding school board training.

Beginning January 1, 2011, local school districts must submit to the Georgia State Board of Education the name and contact information of all local school board members, including any newly elected local board of education members. Newly elected, elected on or after July 1, 2010, members must complete the training requirements as established by the State Board of Education (Please see section (2) Requirements). Currently, new board members' training is verified by the "trainer" or vendor/entity providing the training. The trainer submits a list of training participants to the Georgia Department of Education. Once the list is verified by the Department, the local board member is sent a certificate verifying they have received the appropriate training.

Once the State Board of Education has developed the framework for the newly adopted standards for training programs and approved trainers to deliver training, local board members verification of training requirements will be revised.

Please note that while charter schools are public schools and state chartered special schools are considered LEAs for many purposes, the governing boards of charter schools are not subject to the provisions regarding the election of local boards of education. Instead, governing boards of charter schools must adhere to its charter and applicable provisions of the Charter Schools Act of 1998, O.C.G.A. § 20-2-2060 et seq.

(3) Local Board of Education Size

In accordance with O.C.G.A. § 20-2-52, each local board of education shall have no more than seven members as provided by local Act.

Paragraph (3)(a) shall not apply to a local board of education whose board size exceeds seven members as provided by local constitutional amendment or federal court order or pursuant to a local law in effect prior to July 1, 2010; provided, however, that if the local law of any such local board of education is amended to revise the number of members on such board, paragraph (3)(a) shall apply.

(4) Compensation for Members of Local Boards of Education

The per diem rate and reimbursements for expenses incurred outlined below is effective for local school districts in which no local Act has been passed. Local school districts in which a local Act has been passed govern its per diem and reimbursement for actual expenses in accordance with the local Act.

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The following is applicable to local board members elected or appointed prior to July 1, 2010:

- The local board must approve the per diem rate for its members.
- The approved per diem rate shall be limited to \$50.00 per day for each day of attendance at meetings of the board and while meeting and traveling within or outside the state as a member of a committee of the board on official business.
- In addition, the local board member attending a meeting of the board or otherwise meeting or traveling on official business may also receive reimbursement for actual expenses that are necessarily incurred.
- The official business must be authorized by a majority of the board.
- For local school districts with a full-time equivalent (FTE) count of less than 4,000 students based on the most recent FTE count, may (but is not required to do so) receive a per diem of not less than \$50.00 and not more than \$100.00 for each day of attendance at meetings of the board and while meeting and traveling within or outside the state as a member of a committee of the board, plus reimbursement for actual expenses.
- Local school district's personnel responsible for per diem and reimbursement for actual expenses must comply with generally accepted accounting principles (GAAP).

The following is applicable to local board members elected or appointed after July 1, 2010:

- The local board must approve the per diem rate for its members.
- The approved per diem rate shall be limited to \$50.00 per day for each day of attendance at meetings of the board.
- In addition, the local board member attending a meeting of the board or otherwise meeting or traveling on official business may also receive reimbursement for actual expenses that are necessarily incurred.
- For local school districts with a full-time equivalent (FTE) count of less than 4,000 students based on the most recent FTE count, may (but is not required to do so) receive a per diem of not less than \$50.00 and not more than \$100.00 for each day of attendance at meetings of the board and while meeting and traveling within or outside the state as a member of a committee of the board, plus reimbursement for actual expenses.
- The per diem rate and reimbursements for expenses incurred outlined above is effective for local school districts in which no local Act has been passed. Local school districts in which a local Act has been passed govern its per diem and reimbursement for actual expenses in accordance with the local Act.

The following is applicable to local board members regardless of when elected or appointed:

- Local boards of education members shall submit expenses, in accordance with procedures determined by the local school district, to the local school superintendent for approval.
- Local school districts may pay per diem and reimbursements for actual expenses only from the local tax funds available to local boards for educational purposes.
- All boards of education members, including boards of local units of administration (i.e., RESAs), may receive per diem and/or reimbursement for actual expenses for travel, lodging, meals, and registration fees for attending required training. Required training includes any training requirements established by the State Board of Education as well as any training requirements established by the local board.
- Per diem and/or reimbursement may be paid either before or after such board members assume office.

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(5) Nepotism

Each LBOE shall adopt policies regarding nepotism including the minimum following provisions:

1. The local board should adopt its nepotism policy consistent with the manner in which it adopts all local board policies.
2. The nepotism policy should clearly state that on or after July 1, 2009, individuals are not eligible for election or appointment as a LBOE member if:
 - An immediate family member sits on the same LEA's local board.
 - An immediate family member serves as the local school superintendent, principal, assistant principal, or system administrative staff of the same LEA if the immediate family member's employment in that position began on or after January 1, 2010.

An immediate family member is defined in the SBOE rule 160-5-1-.36 Local School Board Governance and O.C.G.A. § 20-2-63 as a spouse, child, sibling, or parent or the spouse of a child, sibling, or parent. System administrative staff is not defined in SBOE rule but may be by local board policy and is commonly referred to as employees of the local school district assigned to duties other than instructing students.

This section of the SBOE rule is not intended to affect the employment of individuals employed by the LEA. This section of the SBOE rule and O.C.G.A § 20-2-51 speak to who is eligible to run for and serve on the local school board. Paragraph (5)(a)(3) and O.C.G.A. § 20-2-101 speak to individuals eligible for employment in an LEA when an immediate family member serves on the local school board. Those provisions, paragraph (5)(a)(3) of this SBOE rule and O.C.G.A. § 20-2-101, prohibit, after July 1, 2009, the appointment of a superintendent if that prospective superintendent has an immediate family member serving as a local board member, principal, assistant principal, or system administrative staff in the school system and the immediate family member's service in that position began on or after January 1, 2010.

A local school board or an individual attempting to qualify to run for a local board of education seat may petition the SBOE to waive the nepotism requirements in SBOE rule 160-5-1-.36. The SBOE may consider such requests if the initial fall enrollment count conducted in 2009 or thereafter does not exceed a full time equivalent (FTE) count of 2,800. For example, a local school board or an individual would need to seek a waiver if an individual is attempting to qualify for a local board of education seat and that individual has:

- A daughter-in-law serving as the superintendent.
- A husband serving as a principal in the LEA,
- A father serving as the LEA's Chief Financial Officer
- A sister serving as an assistant principal in the LEA.

In order to petition the SBOE to waive the nepotism requirements, a local school board must take the following steps prior to submitting the waiver request:

- If acting on behalf of an individual attempting to qualify to run for local board member, provide a 30-day notice of the individual's intent to run for office. This notice should, at a minimum, be provided to a local newspaper of general circulation and the same newspaper in which other legal announcements of the local board of education are advertised, and should be published according to the schedule of the legal organ or newspaper for the 30 day notice period; and
- Whether acting on behalf of an individual or on its own initiative also conduct a public hearing for the purpose of providing for full opportunity for discussion and public input on

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the issues of potential problems and other concerns with regard to the waiver request. The public hearing must meet the following guidelines:

1. Be advertised at least seven days prior to the date of the hearing in a local newspaper of general circulation and the same newspaper in which other legal announcements of the local board of education are advertised.
2. May be held in conjunction with a regularly scheduled or called board meeting or may be conducted independently at the local board's discretion.
3. The cost of the public hearing and the required notice must be borne by the local board. This requirement means it is not permissible to use state or federal funds to pay the cost of such hearing or notice.

Once a local school board has taken the steps above, it must submit the following to the Georgia State Board of Education:

1. A list the specific laws, rules, regulations, policies, procedures, or provisions that are requested for waiver;
2. A description of any familial relationship that is the subject of the waiver request;
3. A description of how the proposed waiver will improve student performance;
4. A description of the students who will be affected by the proposed waiver, including their estimated number, current performance, grade level, and any common demographic traits;
5. A list of schools by name, including the school code, that will be affected by the proposed waiver, and a description of each school, including current performance, grade levels, and demographic traits of the students of each such school;
6. A description of the methods for collection of data, and for measuring and evaluating any change in student performance resulting from the proposed waiver;
7. The period of time for which the proposed waiver is requested and the proposed starting date; and
8. A resolution from the local school board including the following:
 - a. A statement approving or disapproving the waiver request and outlining the reasons for its approval or disapproval;
 - b. If at the request of an individual, the name and contact information of the individual;
 - c. A statement declaring that no state and/or federal funds were used to pay the cost of notice and/or to conduct the actual hearing.

The local board resolution must be attested to by local board members and the local school superintendent consistent with local board of education policy when requesting waivers from the SBOE. If the local board of education has not developed such a policy, the local board resolution must be signed and dated by the local board chair and the local school superintendent.

9. A description (summary) of any public comment received at the public hearing. The summary must include the following:
 - a. A statement declaring that a notice of hearing was advertised at least seven days prior to the date of the hearing in accordance with SBOE rule 160-5-1-.36;
 - b. A statement declaring the actual date of the notice and the actual date the hearing was held; and
 - c. A statement declaring if the hearing was held in conjunction with a regularly scheduled meeting, a called board meeting or conducted specifically for the purpose of determining if the local board shall petition the SBOE to waive the nepotism requirements.

A sample application and resolution are included in Appendices C and D. Please note, a local board of education is not required to use the sample application or resolution as long as it includes all the required information listed above.

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The application and resolution must be submitted to the SBOE at the following address:

Georgia State Board of Education
Local Board Governance
205 Jesse Hill Jr. Drive
Suite 2053 Twin Towers East
Atlanta, GA 30334.

The original application and resolution with appropriate signatures may be scanned and sent electronically to LocalBoardGovernance@doe.k12.ga.us.

It is the responsibility of the local board of education to ensure that all appropriate documents are submitted in accordance with SBOE rule and guidance. The SBOE will act only on requests that have been submitted appropriately and will return any application that fails to meet the above requirements. The local board of education may resubmit the application upon remedying its deficiencies.

The SBOE shall approve or deny a waiver request no later than 45 working or business days after receipt of the waiver request submitted in accordance with SBOE rule and guidance, and the SBOE will submit its decision, in writing, to the local board of education within the 45 working or business days. It is the responsibility of the local board of education to notify the individual(s) seeking candidacy regarding action taken by the SBOE.

An approved waiver must be received by the local election superintendent prior to an individual's filing of a declaration or notice of candidacy. It is the responsibility of the individual(s) seeking candidacy to notify the local election superintendent and provide any documents requested by the local election superintendent.

(6) Sanctioning Members of Local Boards of Education

Local boards of education are required to adopt, at a minimum, the SBOE model code of ethics, including the conflict of interest provisions in accordance with section (2) of SBOE rule 160-5-1-.36. No person is eligible for election as a member of a local board of education unless he or she has read and understands the code of ethics and the conflict of interest provisions applicable to members of local boards of education and has agreed to abide by them; and has agreed to annually disclose compliance with the code of ethics of the local board of education and the conflict of interest provisions applicable to members of local boards of education. Please see Appendix B for the model code of ethics, including the conflict of interest provisions.

(7) Suspension of Local Boards of Education

Paragraph (7) of rule 160-5-1-.36 shall apply only to an LEA or school which is placed on the level of accreditation immediately preceding loss of accreditation on or after July 1, 2010. Paragraph (7) of this rule shall apply only to local board of education members elected or appointed on or after July 1, 2010.

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Appendix A: The U.S. Department of Justice Notice of Preclearance for SB 84



U.S. Department of Justice

Civil Rights Division

TCH:RSB:MSR:ANA:maf
DJ 166-012-3
2010-2820

Voting Section - NWB
950 Pennsylvania Avenue, NW
Washington, DC 20530

September 2, 2010

Ann S. Brumbaugh, Esq.
Assistant Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300

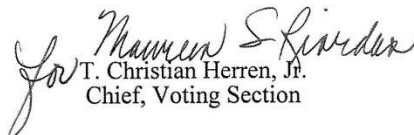
Dear Ms. Brumbaugh:

This refers to Act. No. 463 (S. B. 84) (2010), which enumerates prohibited conflict of interests for local school board members and the procedures for enforcement; directs the State Board of Education to create and adopt a code of ethics; requires local school boards to adopt a code of ethics which must contain the State model, and as of July 1, 2010, provides candidate qualifications for local school board members, including acknowledgment and compliance with the code of ethics, the conflicts of interest provisions, the training requirements, and the signing of an affidavit; limits the number of school board members, provides a waiver (in limited circumstances) to O.C.G.A. Section 20-2-51 (c)(2); and provides the procedures for the suspension, removal, and reinstatement of local school board members when the accreditation of the school system they serve becomes jeopardized, for the State of Georgia, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on July 7, 2010.

The Attorney General does not interpose any objection to the specified changes. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41.

Act No. 463 includes provisions that are enabling in nature. Therefore, any changes affecting voting that are adopted pursuant to this legislation will be subject to Section 5 review (*e.g.*, creation of the State Board of Education's code of ethics, creation or changes to local school board code of ethics, and the suspension and/or removal of local school board members). 28 C.F.R. 51.15.

Sincerely,


T. Christian Herren, Jr.
Chief, Voting Section

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160-5-1-.36 LOCAL SCHOOL BOARD GOVERNANCE**

Appendix B: Local Board of Education Model Code of Ethics & Conflict of Interest Provisions

LOCAL BOARD OF EDUCATION MODEL CODE OF ETHICS

Each local school board member is required to sign, at a minimum, the model code of ethics. Local Boards of Education electing to adopt the model code of ethics passed by the State Board of Education should add signature lines for each local board member on the model code of ethics located at the link below.

Click on link to access [Model Code of Ethics](#)

LOCAL BOARD OF EDUCATION CONFLICT OF INTEREST PROVISIONS

Each local school board member is required to sign, at a minimum, the conflict of interest provisions. Local Boards of Education electing to adopt the model conflict of interest provisions passed by the State Board of Education should add signature lines for each local board member on the model conflict of interest provisions located at the link below.

Click on link to access [Conflict of Interest Provisions](#)

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Appendix C: Application for SBOE Rule 160-5-1-.36 Waiver Request

Name of District:

Application Date:

1. List the specific laws, rules, regulations, policies, procedures, or provisions that are requested for waiver. Be sure to specify if the request is for state law by citing specific code and if State Board of Education rule, the specific name and number of the rule.
2. Provide a description of any familial relationship that is the subject of the waiver request. Be sure to specify if the potential candidate is a spouse, child, sibling, or parent or the spouse of a child, sibling, or parent.
3. Provide a description of how the proposed waiver will improve student performance. While a local school board is not required to provide specific performance targets, it is important to provide specificity regarding what performance is expected to be improved. It may be helpful to address if the graduation rate is expected to improve, if the dropout rate is expected to decrease, if students are expected to improve performance on state assessments – CRCT, Georgia High School Graduation Tests, End of Course Tests, etc.
4. Provide a description of the students who will be affected by the proposed waiver, including their estimated number, current performance, grade level, and any common demographic traits.
5. Provide a list of schools by name (including the school code), that will be affected by the proposed waiver, and a description of each school, including current performance, grade levels, and demographic traits of the students of each such school.
6. Provide a description of the methods for collection of data, and for measuring and evaluating any change in student performance resulting from the proposed waiver. Be sure to list the data that will be collect – student assessment, discipline data, attendance data, graduation data, dual enrollment data, etc.
7. Designate the period of time for which the proposed waiver is requested and the proposed starting date.
8. Provide a description (summary) of any public comment received at the public hearing. The summary must include the following:
 - a. A statement declaring that a notice of hearing was advertised at least seven days prior to the date of the hearing in accordance with SBOE rule 160-5-1-.36;
 - b. A statement declaring the actual date of the notice and the actual date the hearing was held; and
 - c. A statement declaring if the hearing was held in conjunction with a regularly scheduled meeting, a called board meeting or conducted specifically for the purpose of determining if the local board shall petition the SBOE to waive the nepotism requirements;

Please mail application and local board resolution to:
Georgia State Board of Education
Local Board Governance
205 Jesse Hill Jr. Drive
Suite 2053 Twin Towers East

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Appendix D: Sample Resolution

**Sample Resolution
SBOE Rule 160-5-1-.36 Waiver Request**

Whereas, the {include the name of the local board of education} {acting on its own initiative} or if at the request of an individual {acting upon the request of Jane Doe located at ABC Drive, Union City, Georgia 39999} to petition the Georgia State Board of Education to waive subsections (d) and (e) of O.C.G.A. 20-2-244 and section (5) (a) 1 of SBOE rule; and

Whereas, a notice of hearing was advertised on January 1, 2020, at least seven days prior to the date of the hearing, in accordance with SBOE rule 160-5-1-.36; and

Whereas, the actual date of the hearing was February 1, 2020; and

Whereas, the hearing was held {at a scheduled meeting}, {at a called board meeting} {at a meeting conducted specifically for the purpose of determining if the local board shall petition the SBOE to waive the nepotism requirements}; and

Whereas, no state and/or federal funds were used to pay the cost of notice and/or to conduct the actual hearing; and

Therefore, be it resolved that the {name of the local board of education} hereby {approve or deny} the waiver request of {individual's name} for the following reasons:

- List reasons here
- List reasons here
- List reasons here

Local Board of Education Chair's Signature/Date

Local School Superintendent Signature/Date

EXHIBIT 2

Walker County Board of Education Nepotism Policy

Policy BHB: Nepotism

Walker County Schools

Original Adopted Date: 08/09/2011 | Last Revised Date: 08/15/2011

Status: ADOPTED

BOARD POLICY

Descriptor Code: BHB

Nepotism

In compliance with Georgia Board of Education Rule 160-5-1-.36 Local School Board Governance, the Board of Education ("the Board") adopts the following nepotism provisions:

No person who has an immediate family member sitting on the Board or serving as the Superintendent or as a principal, assistant principal, or system administrative staff shall be eligible to serve as a member of the Board, provided that the immediate family member's employment in his or her position began on or after January 1, 2010. This paragraph shall apply only to Board members elected or appointed on or after July 1, 2009.

Nothing in this paragraph shall affect the employment of any person who was employed by the Board on or before July 1, 2009, or who is employed by the Board when an immediate family member becomes a Board member.

No person shall be eligible to be appointed, employed, or to serve as the Superintendent of Schools who has an immediate family member sitting on the Board or who has an immediate family member hired as or promoted to a position as principal, assistant principal, or system administrative staff on or after July 1, 2009, provided that the immediate family member's employment in his or her position began on or after January 1, 2010.

Nothing in this paragraph shall affect the employment of any person who was employed on or before July 1, 2009, or who is employed when an immediate family member becomes the Superintendent

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State Reference

O.C.G.A 20-02-0058.1

O.C.G.A 20-02-0101

O.C.G.A 20-02-0051

Rule 160-5-1-.36

Description

"Immediate family" defined; employment of family members

Appointment of school superintendents

Election of LBOE members; persons ineligible to be member or superintendent; ineligibility for LBOE or other elective office

Local School Board Governance

EXHIBIT 3

Walker County Board of Education Procedure governing
Salary Formulas for Administrative and Supervisory Personnel

BOARD PROCEDURE
General Administration
SALARY FORMULAS - ADMINISTRATIVE
AND SUPERVISORY PERSONNEL

Code: CGA

Date: JULY 2016

Administrative and supervisory salaries will be based on the position occupied by the individual administrator or supervisor and will be calculated by use of the appropriate formula for that particular position.

I. System-wide Directors

Base State Salary
+
7 Times Local Teacher Supplement
=
Director's Base Salary
+
1/190 Director's Base Salary for each additional working day beyond teacher's schedule (51 Days)
=
Director's Annual Salary

II. System-wide Coordinators

Base State Salary for Certificate Held
+
4 Times Local Teacher Supplement
=
Coordinator's Base Salary
+
1/190 Coordinator's Base Salary for each additional working day beyond teacher's schedule (51 Days)
=
Coordinator's Annual Salary

III. System-wide Supervisor

Base State Salary for Certificate Held
+
2 Times Local Teacher Supplement
=
Supervisor's Base Salary
+
1/190 Supervisor's Base Salary for each additional working day beyond teacher's schedule (51 Days)
=
Supervisor's Annual Salary

This formula shall also apply to the positions of School Social Worker, Psychometrist and Educational Diagnostician.

ADMINISTRATIVE AND SUPERVISORY
PERSONNEL

IV. School Principal

Base Teacher's Salary		BASE SALARY
	+	
Local Supplement		LOCAL TEACHER'S SUPPLEMENT
	+	
Number Teachers Times \$100 (up to 30 Teachers)		STATE PRINCIPAL'S SUPPLEMENT
	+	
Number Teachers Times:		LOCAL PRINCIPAL'S SUPPLEMENT
\$50 for Elementary Principals		
\$75 for Middle School Principals		
\$100 for High School Principals		
	=	
Principal's Base Salary		
	+	
1/190 Principal's Base Salary for each additional working day beyond teacher's schedule		<u>ADDITIONAL CONTRACTED DAYS</u>
Elementary – 40 Days		
Middle – 51 Days		
High – 51 Days		
	+	
5% of State Base Salary (Middle School)		<u>RESPONSIBILITY SUPPLEMENT</u>
25% of State Base Salary (High School)		
	=	
Principal's Annual Salary		

V. Assistant Principal

Base Teacher's Salary		BASE SALARY
	+	
Local Supplement		LOCAL TEACHER'S SUPPLEMENT
	+	
15 Teachers Times \$100		STATE ASST. PRINCIPAL'S SUPPLEMENT
	+	
15 Teachers Times:		LOCAL ASST. PRINCIPAL'S SUPPLEMENT
\$50 for Elementary Asst. Principals		
\$75 for Middle School Asst. Principals		
\$100 for High School Asst. Principals		
	=	
Assistant Principals' Base Salary		
	+	
1/190 Asst. Principal's Base Salary for each additional working day beyond teacher's schedule		<u>ADDITIONAL CONTRACTED DAYS</u>
Elementary – 20 Days		
Middle – 20 Days		
High – 30 Days		
	=	
Assistant Principal's Annual Salary		

VI. Interim Administrative and Supervisory Personnel

Any administrative or supervisory employee who is temporarily assigned to fill an administrative or supervisory position which is compensated at a higher level than the position currently held shall be paid according to the appropriate formula for that position beginning the first work day of the temporary assignment through the work day the temporary assignment ends.

ADOPTED: 8/14/72

REVISED: 8/18/75; 6/21/76; 6/20/77; 5/15/78; 7/17/78; 4/9/79; 8/16/82; 9/19/83; 6/29/89; 8/21/95;
4/8/96; 10/14/97; 6/1/2011; 5/16/18

Walker County Board of Education

GBAB

SALARY SCHEDULES FOR SPECIFIED PERSONNEL

The salaries of specified personnel shall be calculated by use of the appropriate formula for that particular position as shown below.

I. School Counselor

Base State Salary for Certificate Held

+

1 1/2 Times Local Teacher Supplement

=

Counselor's Base Salary $\div 190 \times$ days worked.

Middle
High } only

II. Non-instructional Certificated Personnel (Walker Tech)

State scale for position held plus local teacher's supplement for
certificate level.

Walker County Board of Education
August 14, 1972
Revised July 17, 1978
Revised April 9, 1979
Revised September 20, 1982

EXHIBIT 4

Walker County Board of Education Listing of
System Administrative Staff

**System Administrative Staff
FY2025**

DIRECTORS

NAME
Brown, Glen
Elliott, Rachel
Holloway, Heather
Jones, Chris
Samples, Robin
Wallace, Chris
Wallin, Destiny
Wilson, Zac

COORDINATORS

NAME
Carruth, Justin
Coker, Michelle
Harden, Scott
Hentz, Autumn
Ingle, Debbie
Ingram, Angie
Lankford, Darlene
Portwood, Julie
Renfro, Dena

PRINCIPALS

NAME
Breeden, Wade (CVM)
Caissie, Kristi (NAO)
Culberson, Heather (CVE)
Davis, Leigh (SCE)
Debity, James (LMS)
Edwards, Lisa (FYLD)
Gadd, Courtney (RE)
Gilstrap, Kandy (RSE)
Harris, Staci (CRE)
Hodge, Rachel (SRK-8)
Martin, Jennifer (NLE)
Morrison, James (RHS)
Mosgrove, Brandon (GIL)
Stinson, Rob (RMS)
Stultz, Maggie (LHS)

ASSISTANT PRINCIPALS

NAME
Ash, Sheila (NLE)
Ballew, Jami (SCE)
Bandy, Ryan (RHS)
Crowley, Adam (LMS)
Davidson, Tobin (RMS)
Dickson, Sara (CVM)
Forrester, Josh CVM)
Green, Troy (FYLD)
Henry, Brooke (RS)
King, Matt (RE)
Kittie Brown (RHS)
Landis, Monica (CVE)
Liggins, Jason (CRE)
Lindley, Jerri (RMS)

Massey, Ronnie (LHS)
McCary, Susan (SRK8)
Nichols, Bethany (GIL)
Palmer, Jennifer (NAO)
Parsley, Marcus (SRK8)
Sells, Lance (SCE)
Shaw, Julie (LHS)
Sparks, Timothy (RHS)
Suttles, Lugenia (LHS)
Tinney, Bo (RHS)
Woodard, Kim (LMS)